IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1156 OF 2005

Smt. Shobhana Baburao Sawant
Alias Ulka Atul Chaubal. ...Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.
....
Mr. Dilip Bodake for the Petitioner.
Mr. V. P. Malvankar, AGP for Respondent Nos.1 and 2.
.....

CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

August 5, 2005.

P.C.:

Heard Advocate. The Petitioner worked in different Private Recognised Aided Schools for 33 years from 1969 to 2002. It appears that there are breaks in service during the said period. It appears that for the pensionary benefits, the Petitioner's service is counted to the extent of 18 years, 6 months and 13 days only, depriving of service to the extent of 12 years, 8 months and 5 days. If this period of employment of the Petitioner is taken into consideration and if she is given the benefit of the same, in that case, the Petitioner will be entitled to full pension.

2. Mr.Bodake, learned counsel for the Petitioner submits

that the Petitioner will be satisfied if the Director of Education, decides her case at the earliest, after giving her an opportunity to make her representation and after giving a hearing. Mr. Malvankar, learned AGP appearing for Respondent Nos.1 and 2 has no objection to this prayer of Mr.Bodake. Accordingly, we direct the Director of Education to treat the present petition as a representation of the Petitioner and afford personal hearing to the Petitioner and pass appropriate order in accordance with law. We expect the Director of Education to take into consideration the fact that the Petitioner has served nearly 33 years and the breaks during this period are for short periods and if the breaks are condoned, she would be entitled to full pension. The Director of Education will issue a notice to the Petitioner within two weeks of the receipt of an authenticated copy of this order and thereafter decide the representation at the earliest and preferably within eight weeks thereafter.

3. Petition is accordingly disposed of.

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